

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

EDUARDO H. RODRIGUEZ,

Plaintiff,

V.

**KILOLO KIJAKAZI, Acting
Commissioner of Social Security
Administration,**

Defendant.

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EP-22-CV-00357-FM-ATB

**ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE**

On this day, the Court considered the “Report and Recommendation” (“R & R”) filed in the above-captioned case by United States Magistrate Judge Anne Berton (“Judge Berton”) on August 22, 2023. R & R.¹ Therein, Judge Berton recommends that the District Court affirm the Acting Commissioner of the Social Security Administration’s (“Commissioner”) decision to deny Plaintiff Fernando Arevalo’s (“Plaintiff”) application for supplemental security income and disability insurance benefits.²

Because neither party objected to Judge Berton's R & R, the court has reviewed it for clear error.³ As the court finds no clear error, the R & R will be approved and adopted in full. Consistent

¹ “Report and Recommendation” 1, ECF No. 18, entered Aug. 22, 2023.

² *Id.*

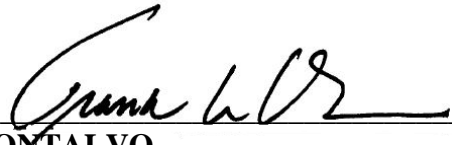
³ *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1).

with the R & R, the decision of the Commissioner denying Plaintiff's application for supplemental security income and disability insurance will be affirmed.

Accordingly, it is **HEREBY ORDERED** that United States Magistrate Judge Anne Berton's "Report and Recommendation" [ECF No. 18] is **APPROVED** and **ADOPTED**.

It is **FUTHER ORDERED** that Commissioner's final decision is **AFFIRMED** in accordance with the Report and Recommendation.

SIGNED AND ENTERED this 7th day of **September 2023**.

A handwritten signature in black ink, appearing to read "Frank Montalvo", is written over a horizontal line.

FRANK MONTALVO
SENIOR UNITED STATES DISTRICT JUDGE